

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

NICKEY LEE POUND, SR.,

:

Petitioner,

v.

:

WARDEN, LEBANON  
CORRECTIONAL INSTITUTION

:

Respondent.

Case No. 3:13-cv-83

JUDGE WALTER H. RICE

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DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #2);  
OVERRULING PETITIONER'S OBJECTIONS THERETO (DOC. #4);  
ADOPTING UNITED STATES MAGISTRATE JUDGE'S SUPPLEMENTAL  
REPORT AND RECOMMENDATIONS (DOC. #6); DISMISSING  
PETITION FOR WRIT OF HABEAS CORPUS WITH PREJUDICE (DOC.  
#1); DENYING CERTIFICATE OF APPEALABILITY AND LEAVE TO  
PROCEED *IN FORMA PAUPERIS*; TERMINATION ENTRY

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Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz, in his Report and Recommendations, filed March 20, 2013, Doc. #2, and his Supplemental Report and Recommendations, filed June 17, 2013, Doc. #6, as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court ADOPTS said judicial filings in their entirety.

Petitioner's Objections to the March 20, 2013, Report and Recommendations, Doc. #4 are OVERRULED, and his Petition for Writ of Habeas Corpus, Doc. #1, is DISMISSED WITH PREJUDICE.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability and denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner. The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: July 12, 2013

  
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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE